

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

CHANTERIA THREATS, )  
                        )  
Plaintiff,            )  
                        )  
v.                     ) Case No. 2:13-cv-486-JEO  
                        )  
CITY OF BESSEMER, et al., )  
                        )  
Defendants.          )

**MEMORANDUM OPINION**

On April 29, 2013, the magistrate judge entered his report and recommendation (doc. 10), recommending that the court grant in part and deny in part the Defendant City of Bessemer's Motion to Dismiss (doc. 5). On May 13, 2013, the Defendant City of Bessemer filed objections to the magistrate judge's report and recommendation. (Doc. 11).

After careful consideration of the entire record in this case, including the magistrate judge's report and recommendation and the Defendant City of Bessemer's objections (doc. 11), the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge that the court GRANT IN PART and DENY IN PART the Defendant City of Bessemer's Motion to Dismiss. The court finds that the motion

to dismiss is due to be DENIED to the extent that it seeks the dismissal of the Plaintiff's § 1983 claim against the City in its entirety. The court finds that the Plaintiff sufficiently has pled enough in the Complaint for it to survive the pleading stage.

The court finds that the motion is due to be GRANTED to the extent that the law precludes the Plaintiff from recovering punitive damages from the City on the § 1983 claim.

The court will enter a separate Order in conformity with this Memorandum Opinion.

DONE and ORDERED this 23<sup>nd</sup> day of May, 2013.

  
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KARON OWEN BOWDRE  
UNITED STATES DISTRICT JUDGE